

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re: JOHN O. AND SHARON K. CRISPIN

Case No. 10-49725-MBM

Chapter 7

Judge: Hon. Marci B. McIvor

Debtors,

\_\_\_\_\_  
TIMOTHY J. MILLER, TRUSTEE.,

Adversary No.10-07551-MBM

Plaintiff,

KEN WRIGHT and  
DIANE R. (PAYNE) WRIGHT,

Defendants,  
\_\_\_\_\_

**DEFENDANTS' EX PARTE MOTION TO REOPEN ADVERSARY  
PROCEEDING CASE TO SET ASIDE DEFAULT JUDGMENT**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

1. On December 15, 2010, Plaintiff filed a Complaint with this Court to recover a money judgment or property exceeding \$1,100.00 in value pursuant to 11 U.S.C. §547 and 11 U.S.C. §548 ("Adversary Proceeding").
2. That this Court entered a default against Defendants on January 19, 2011 after Defendants failed to timely file an Answer. That Plaintiff submitted a Motion for Default Judgment on January 21, 2011 which was granted by this Court on January 24, 2011.
3. That Defendants assert that Defendants failed to receive notification of the Adversary Proceeding and subsequent filings.
4. If the case were not reopened to hear Defendants' motion to set aside the default judgment, Defendants would be denied the ability to assert a substantive defense to the allegations contained in the Complaint.
5. The U.S. Trustee has been served via ECF.

**WHEREFORE**, the Defendants pray that this Honorable Court issue an order reopening this adversary proceeding in order for Defendants to proceed with their motion to set aside the default judgment.

Dated: June 10, 2011

/s/ Ryan B. Moran

Ryan B. Moran

Attorney for Debtor

Ryan B. Moran, PLLC

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**UNITED STATES BANKRUPTCY COURT      “EXHIBIT A”  
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TIMOTHY J. MILLER, TRUSTEE.,

Adversary No.10-07551-MBM

Plaintiff,

KEN WRIGHT and  
DIANE R. (PAYNE) WRIGHT,

Defendants,

**PROPOSED ORDER TO REOPEN ADVERSARY PROCEEDING CASE TO SET  
ASIDE DEFAULT JUDGMENT**

**AND NOW**, this 10th day of June, 2011, upon consideration of the defendants' motion to reopen adversary proceeding case number 10-07551 in order to proceed with their motion to set aside default judgment, it is hereby **ORDERED** that the motion is **GRANTED** and the adversary proceeding case, number 10-07551, is reopened.